

### **REMARKS**

Claims 1-29, 31-34, 36-40, 42-49, and 51-57 are pending in the present application. Claims 1, 15, 17, 18, 21, 28, and 31 have been amended. Claims 51-57 are new. Claims 1, 15, 17, 18, 21, 28, and 31 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

#### ***Rejection Under 35 U.S.C. § 103***

##### **Fredlund/Steinberg**

Claims 1-14, 28, 36, 42, 43, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,666,215 to Fredlund et al. (hereafter “Fredlund”) in view of U.S. Patent No. 6,750,902 to Steinberg et al. (hereafter “Steinberg”). This rejection is respectfully traversed.

In the rejection, the Examiner relies on Fredlund’s photofinisher for the claimed delivery-medium producing apparatus. The Examiner acknowledges that Fredlund fails to disclose a digital camera configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit images to the delivery-medium producing apparatus in response to the determination. However, the Examiner relies on Steinberg to teach a digital camera for automatically transmitting images to Fredlund’s delivery-medium producing apparatus when a predetermined condition is met. See Office Action at pages 2-3.

#### **Proposed Fredlund/Steinberg Combination is Improper:**

Initially, Applicants respectfully submit that the Examiner’s proposed combination of Fredlund and Steinberg is deficient because Fredlund’s photofinisher is not designed to receive images from a digital camera. Instead, Fredlund’s photofinisher is designed to obtain images by scanning a negative film. Thus, it would not be obvious to modify Fredlund to include a digital

camera for automatically transmitting images to the photofinisher, as proposed by the Examiner, since Fredlund's photofinisher would not be capable of receiving any such transmitted images. Further, any attempt to modify Fredlund's photofinisher to receive digital images would change the principle of operation of the photofinisher and, thus, is not sanctioned under § 103 (see MPEP § 2143.01.VI).

**Claim Feature Not Taught or Suggested by References:**

While it is Applicants' position that the proposed combination of Fredlund and Steinberg is improper under § 103, Applicants have nonetheless amended claims 1 and 28 in an effort to expedite prosecution by further distinguishing over these references. Specifically, claims 1 and 28 have been amended to recite creating image IDs respectively assigned to the plurality of images, each of the image IDs being linked to a predetermined web page on the Internet. It is respectfully submitted that Fredlund and Steinberg, taken alone or in combination, fail to teach or suggest any such image IDs.

At least for the reasons set forth above, applicants respectfully submit that independent claims 1 and 28 are in condition for allowance. Accordingly, claims 2-14, 36, 42, 43, and 48 are allowable at least by virtue of their dependency on claims 1 and 28. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Fredlund/Steinberg/Allen**

Claim 29 stands rejected under § 103(a) as being unpatentable over Fredlund and Steinberg in view of U.S. Patent No. 5,737,491 to Allen et al (hereafter "Allen"). Applicants respectfully submit that Allen fails to remedy the deficiencies of Fredlund and Steinberg set forth above in connection with independent claim 28. Particularly, Allen is merely relied upon to teach the transmission of digital images via a phone (see Office Action at page 9). Accordingly, claim 29 is allowable at least by virtue of its dependency on independent claim 28. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

**Fredlund/Steinberg/Enomoto**

Claims 31-34 stand rejected under § 103(a) as being unpatentable over Fredlund and Steinberg in view of Japanese Patent Publication 10078918 to Enomoto et al (hereafter “Enomoto”). This rejection is respectfully traversed.

Similar to claims 1 and 28, independent claim 31 has been amended to recite creating image IDs respectively assigned to the plurality of images, each of the image IDs being linked to a predetermined web page on the Internet. Assuming for the sake of argument that the proposed combination of Fredlund and Steinberg is proper (which Applicants do not admit), these references still fail to teach or suggest the aforementioned feature. This deficiency is not remedied by the teachings of Enomoto relied upon by the Examiner. The Examiner merely relies on Enomoto to teach a payment service in which the customer chooses a mode of payment (see Office Action at page 10).

At least for the above reasons, Applicants respectfully submit that independent claim 31 is allowable. Accordingly, claims 32-34 are allowable at least by virtue of their dependency on claim 31. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Enomoto/Steinberg**

Claims 15-17, 44, and 45 stand rejected under § 103(a) as being unpatentable over Enomoto in view of Steinberg. This rejection is respectfully traversed.

Independent claims 15 and 17 have been amended to recite that the image keeping apparatus creates image IDs respectively assigned to the plurality of images, each of the image IDs being linked to a predetermined web page on the Internet. Without admitting that the Examiner’s proposed combination of Enomoto and Steinberg is proper, Applicants submit that the aforementioned claim feature further distinguishes the claimed invention over Enomoto/Steinberg.

At least for the above reasons, Applicants submit that independent claims 15 and 17 are in condition for allowance. Accordingly, claims 44 and 45 are allowable at least by virtue of their dependency on claims 15 and 17. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Allen/Steinberg**

Claims 18-27, 37-40, 46, and 47 stand rejected under § 103(a) as being unpatentable over Allen in view of Steinberg. This rejection is respectfully traversed.

In the rejection, the Examiner acknowledges that Allen's invention does not automatically determine when an image transmitting condition is met without the user inputting a transmission command, and cause the camera/capturing device to automatically transmit the images to an external apparatus for storage in response to the determination. However, the Examiner relies on Steinberg to remedy this deficiency, citing passages relating to Steinberg's communication device 10. See Office Action at pages 16 and 18.

**Proposed Allen/Steinberg Combination is Improper:**

First, Applicants respectfully submit that the Examiner's proposed modification of Allen in view of Steinberg is improper under § 103 because it would result in Allen being modified unsatisfactory for its intended purpose (see MPEP § 2143.01.V). Specifically, the Examiner's proposed modification would require Allen's digital camera to utilize Steinberg's communication device 10 as the transmitting module/communication device, thus requiring the camera to be connected to the communication device 10 for the automatic transmission to occur. This would prevent Allen's camera of achieving its intended purpose of providing fast delivery of images from the field, i.e., where the images were captured (see Allen at col. 1, lines 14-16 and 57-65). Thus, Applicants submit that the proposed combination of Allen and Steinberg is improper.

**Claim Feature Not Taught or Suggested by References:**

However, even though it is Applicants' position that it is improper to combine Allen and Steinberg, Applicants have further amended claims 18 and 21 in an effort to expedite prosecution by further distinguishing over these references. Specifically, claims 18 and 21 have been amended to recite that the external apparatus is adapted to create image IDs respectively assigned to the plurality of images, each of the image IDs being linked to a predetermined web page on the Internet. Applicants submit that Allen and Steinberg, taken separately or in combination, fail to teach or suggest image IDs that are linked to predetermined web pages on the Internet.

At least for the reasons set forth above, Applicants respectfully submit that independent claims 18 and 21 are allowable. Accordingly, claims 19, 20, 22-27, 37-40, 46, and 47 are allowable at least by virtue of their dependency on claims 18 and 21. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

***Conclusion***

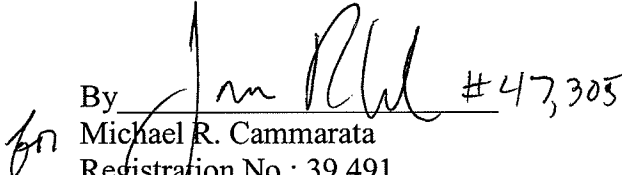
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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